

REMARKS

By this amendment, claims 1, 3-13, 19, and 23-29 are pending, in which claims 2, 14-18, 20-22, and 30-35 have been previously canceled without prejudice or disclaimer, and no claims are withdrawn from consideration, currently amended, or newly presented. No new matter is introduced.

The final Office Action mailed October 24, 2008 objected to claim 28 as being dependent on a rejected base claim, and rejected claims 25-27 under 35 U.S.C. § 102(e) as anticipated by *Watts* (US 5,668,861), and claims 1, 3-13, 19, and 29 as obvious under 35 U.S.C. § 103 based on *Watts* (US 5,668,861), in view of *Erwin et al.* (US H1,802). In addition, the final Office Action indicted that claims 23 and 24 are allowable and that claim 28 would be allowable if placed into independent form.

Applicants again note with gratitude the indication that claims 23 and 24 are allowable and that claim 28 would be allowable if placed into independent form.

The rejection of claims 25-27 under 35 U.S.C. § 102(e) is, again, respectfully traversed. The Final Office Action, at page 12, contends that the “structure of the intelligent service network component is not defined in the claim.” Therefore, the Final Office Action “broadly interprets the intelligent peripheral processor, which includes a voice announcement capability, tone dial registers, and a processing unit, as the intelligent service network component.”

The intelligent peripheral 40 of *Watts* is a processor that “includes a voice announcement capability, tone dial registers, and a processing unit.” It is clear from Fig. 1 and the attendant description in *Watts*, that this intelligent peripheral 40 is **within PSTN 50**. Since **the intelligent peripheral 40** is a component of a PSTN, it cannot be a component of an intelligence service network, **as claimed**, wherein a call is set up, connected, or disconnected, and “originated via a public switched telephone network **to an intelligent service network component**” (claim

25), “**from an intelligent service network** component to a terminating party via a public switched telephone network,” (claim 26) and “established **between a public switched telephone network and an intelligent service network component**” (claim 27), respectively. That is, each of independent claims 25-27 specifically requires the “**intelligent service network component**” to be **separate from the PSTN**. For example, in claim 25, a call originates via the PSTN to an intelligent service network component. Clearly, then, the intelligent service network component cannot be, or form any part of, the PSTN. However, the intelligent peripheral 40, upon which the Final Office Action relies for a disclosure of the claimed intelligent service network component, is clearly **within** PSTN 50. Accordingly, claims 25-27 cannot be anticipated, within the meaning of 35 U.S.C. § 102(e), by *Watts*.

Accordingly, since *Watts* discloses no “intelligent service network component,” **as claimed**, it cannot anticipate claims 25-27 under 35 U.S.C. § 102(e). Therefore, the Examiner is respectfully requested to reconsider and to withdraw the rejection.

With regard to the rejection of claims 1, 3-13, 19, and 29 as obvious under 35 U.S.C. § 103 based on *Erwin et al.* in view of *Watts*, Applicants also, again, respectfully traverse this rejection.

The Final Office Action relies at least in part on *Watts*’ disclosure of an intelligent peripheral 40 as an alleged “one or more intelligent service network components, wherein each of said one or more intelligent service network components means for coupling to at least one of said switch controllers” (Final Office Action of October 24, 2008-page 6, second full paragraph). As explained above, this rationale is flawed because intelligent peripheral 40 is **not** an “intelligent service network component,” **as claimed**. For this reason alone, the rejection must be withdrawn.

Moreover, the Examiner relies on *Erwin et al.* for a programmable switch 300 and a switch controller (element 312 or 302). The Final Office Action now stresses that the reference permits the switch controller 312 or 302 to be connected “**another** communications switch 300,” in accordance with col. 8, lines 30-38. While this may suggest that a switch controller may be coupled to a programmable switch, the claims, e.g., claim 1, require more. In accordance with the features of claim 1, the switch controller that is coupled to the programmable switch includes “a service control means for interfacing with an intelligent service network component of said intelligent service network.” The Final Office Action, at pages 5-6, invites Applicants, generally, to “see fig. 3 and col. 7, lines 12-22, 38-48, 55-60 and col. 8, lines 30-38, where the call processor includes call processing application control means for providing various call processing and signaling function and interfaces network management servers, network switching modules and servers for sending signaling and call control data.” However, no *prima facie* case of obviousness has been established because the Final Office Action never explains what, in *Erwin et al.*, is considered to be “a **service control means** for interfacing with an **intelligent service network component** of said **intelligent service network**,” as claimed. The Final Office Action cites the “call processor,” “call processing application control means,” “network management servers,” and “network switching modules” of *Erwin et al.*, but never indicates which, if any, of these elements are the alleged “service control means,” which, if any, is the alleged “intelligent service network component” and which, if any, is the alleged “intelligent service network.” Applicants should not be required to speculate as to the rationale of an Examiner’s rejection when responding to such rejection.

Still further, the combination of *Erwin et al.* and *Watts* is improper since there would have been no reason to make the combination. Since the “programmable switches” (identified by the Final Office Action as **network switch 34** in *Watts*, and as **element 300** in *Erwin et al.*

are completely different and used for different purposes in the applied references (network switch 34 of *Watts* is used for routing calls through a telephone network, while element 300 of *Erwin et al.* is a much more complicated switching device for use as a wireless communications switch, or other telecommunications switches, and acting to provide country-specific data for a telecommunications system), the skilled artisan would not have been led to incorporate “another programmable switch” (viz., switch 34 of *Watts*) into the system of *Erwin et al.* to provide for “another programmable switch” 300 (because switch 34 is unlike switch 300), especially in view of the additional “programmable switch” 300 already existent in *Erwin et al.* that the Final Office Action cites in order to separate the programmable switch from the switch controller 312 or 302 of *Erwin et al.* Thus, since the Final Office Action already employs an “additional” programmable switch 300 (see the explanation at the paragraph bridging pages 12-13 of the Final Office Action) in *Erwin et al.* in order to meet the claimed feature of a programmable switch separate from the switch controller, there would have been nothing to have possessed the skilled artisan, other than impermissible hindsight, to add still “another programmable switch” as required by the claims.

The Final Office Action contends, at page 13, that the skilled artisan would have been led to combine the programmable switch of *Watts* into the network of *Erwin et al.* “if one of ordinary skill in the art attempted to couple the network of Erwin to a public switched telephone network (PSTN), as *Watts* discloses a programmable switch for coupling to PSTN. The motivation to make the combination is that it increases the efficiency and capabilities of the network by allowing the network of Erwin to communicate with devices coupled to PSTN.”

Respectfully, the rationale of the Final Office Action is flawed. The skilled artisan would have had no need to look to *Watts* for any teachings relative to coupling the network of *Erwin et al.* to a PSTN because *Erwin et al.* already suggests a connection to a PSTN, e.g., see

col. 2, line 54. Moreover, as to the “motivation” set forth in the Final Office Action, a modification made to increase “the **efficiency and capabilities** of the network by allowing the network of Erwin to communicate with devices coupled to PSTN,” is a mere statement of generalities, lacking any type of “articulated reasoning with some rational underpinnings” required by the U.S. Supreme Court, *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385(2007).

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1, 3-13, 19, and 29 as obvious under 35 U.S.C. § 103.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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